

(27)
5/23/02
JSM

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SYDNEY BRADSHAW,

Plaintiff

vs.

PATRICIA L. SAUERS, M.D.,
et al.,

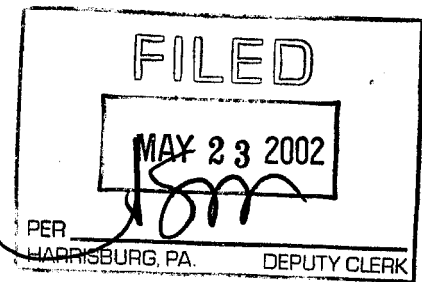
Defendants

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CIVIL NO. 1:CV-01-0755

(Judge Caldwell)

O R D E R

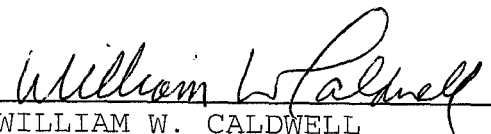


THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

We are considering the defendants' motion styled as a "motion to dismiss plaintiff's complaint pursuant to F.R.C.P. 12(b)(6) and/or summary judgement." The motion is supported by matters outside the pleadings, and it appears that these matters will be necessary to dispose of the motion in part. We therefore advise the pro se plaintiff that, despite defendants' reference to Rule 12(b)(6), the motion will be treated solely as one for summary judgment and that he will be given fifteen days to file any evidentiary material relevant to the motion that he has not already filed.

Accordingly, this 23rd day of May, 2002, it is ordered that:

1. The defendants' motion to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(6) and/or motion for summary judgement (doc. 16), is construed solely as a motion for summary judgement under Fed. R. Civ. P. 56.
2. Within fifteen days of the date of this Order, plaintiff shall file any additional evidentiary material in opposition to the motion that he has not already submitted. The material may be accompanied by an explanatory brief.


WILLIAM W. CALDWELL
United States District Judge